



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,307	09/12/2000	William Robert Newman	659/691	6082

757 7590 06/04/2003

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60611

EXAMINER

RIVERA, WILLIAM ARAUZ

ART UNIT	PAPER NUMBER
----------	--------------

3654

DATE MAILED: 06/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/659,307

Applicant(s)

NEWMAN ET AL.

Examiner

William A Rivera

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-94 is/are pending in the application.
- 4a) Of the above claim(s) 1-14 and 46-94 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Election/Restrictions

Claims 1-14 and 46-94 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 12.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 28, 30-32, and 34-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoffmann (U.S. Patent No. 3,592,161).

With respect to Claims 15, 28, 30-32, and 34-35, Hoffmann, Figures 1-3, teaches a dispensing system for dispensing wet wipes comprising a dispenser 3,4, the dispenser exerting a dispensing force; a gap 10,11, the gap allowing for dispensing of the wet wipes, and wet wipes 2, the wet wipes having perforations, the wet wipes having a detach strength which is at least twice that of the dispensing force; the wet wipes are configured in a roll

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3654

Claims 29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffmann as applied to claims 15, 28, 30-32, and 34-35 above, and further in view of Mitchell (U.S. Patent No. 5,620,148).

With respect to Claims 29 and 33, Hoffmann is advanced above. Mitchell, Figures 2 and 3, teaches a coreless roll. It would have been obvious to one of ordinary skill in the art to provide Hoffmann with a coreless roll, as taught by Mitchell, because more product can be provided in the space that would otherwise have been occupied by the core.

Claims 16-27 and 36-45 rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffmann as applied to claims 15, 28, 30-32, and 34-35 above.

Hoffmann does not mention the specific strengths involved with the wet wipes. However, it would have been an obvious matter of design choice, as determined through routine experimentation and optimization, to dimension the wet wipes of Hoffmann as specified in each of these claims because one of ordinary skill would have been expected to have routinely experimented to determine the optimum dimensions for a particular use.

Response to Arguments

Applicant's arguments filed March 25, 2003 have been fully considered but they are not persuasive.

With respect to applicant's remarks on page 7-8, it is the applicants' position that Hoffmann does not teach, "a space with the dispenser through with wet wipes can be removed". In the instant case, it should be noted that these arguments are not commensurate with the scope of the claim. Applicants merely claim a gap. The claim as set forth reads on the Hoffman reference because "lower lip 10" and "upper lip 11" create the "gap" in which web 9 is pulled

Art Unit: 3654

through. Further, with respect to the forces, it is not beyond one of ordinary skill in the art to know that such forces are dependent upon how the user pulls the web from the dispenser. As such it would have been obvious to one of ordinary skill in the art to make the web strong enough to withstand the pull of any user. Also, perforations in web material are notoriously old and well known. As such, it is also not beyond one of ordinary skill in the art to use perforations in the web material.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William A. Rivera whose telephone number is (703) 308-2684. The examiner can normally be reached Monday through Friday from 2:00 PM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688.

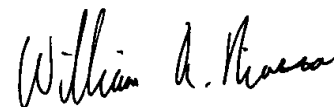
Art Unit: 3654

Telephone status inquiries regarding this application should be directed to (703) 308-

1113. **Facsimile correspondence** for this application should be sent to the following respective numbers:

For **BEFORE FINAL** correspondence: (703) 872-9326

For **AFTER FINAL** correspondence: (703) 872-9327

A handwritten signature in black ink, appearing to read "William A. Rivera".

WILLIAM A. RIVERA
PRIMARY EXAMINER

June 3, 2003